

and providing for a rural school supervisor in lieu of teachers' institutes as required under Article 2691, and providing for the payment of the salary of said rural school supervisors in counties having a population of 34,700 to 35,000, according to the Federal census of 1920, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,  
Austin, Texas, May 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 126, A bill to be entitled "An Act amending Chapter 345 of the Special Laws passed by the First Called Session of the Thirty-ninth Legislature, so as to provide for the refunding of the outstanding bonded indebtedness of road district No. 9 of Houston county, Texas, by the commissioners court of said county; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,  
Austin, Texas, May 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 161, A bill to be entitled "An Act creating a more efficient road system for Hopkins county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment, construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Hopkins county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes prior to March

1, 1929, and to levy a tax in payment thereof; limiting the debt which may be created in the future to the current revenues of said county for road and bridge purposes except in cases of emergency; repealing all previous Hopkins county special road laws, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,  
Austin, Texas, May 11, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 100, A bill to be entitled "An Act amending Article 879 of the 1925 Penal Code, as amended and provided for in House bill No. 161, Chapter 215, page 316, Regular Session of the Fortieth Legislature, so as to provide an open season or period of time when it shall be lawful to kill wild mourning doves in the north zone and in the south zone; excepting certain counties therefrom, and providing for an open season or period of time in which it shall be lawful to take or kill wild mourning doves in such excepted counties, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

## SIXTEENTH DAY.

(Tuesday, May 14, 1929.)

The House met at 1:30 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the Speaker announced that there was not a quorum present.

Mr. Rountree moved a call of the House for the purpose of securing a quorum, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

The Sergeant-at-Arms was instructed to bring in all absent members in the city who are not ill.

The roll was again called, and the following members were present:

Mr. Speaker.	Long of Wichita.
Acker.	Mankin.
Ackerman.	Marks.
Adkins.	Mauritz.
Albritton.	Maynard.
Baker.	McCombs.
Barnett.	McDonald.
Bateman.	McGill.
Beck.	McKean.
Bond.	Mehl.
Bounds.	Metcalf.
Bradley.	Minor.
Brice.	Moore.
Brooks.	Morse.
Carpenter.	Mullally.
Chastain.	Murphy.
Coltrin.	Negley.
Conway.	Nicholson.
Cox of Navarro.	Olsen.
Cox of Lamar.	O'Neill.
Cox of Limestone.	Palmer.
Davis.	Patterson.
Dunlap.	Pavlica.
Duvall.	Petsch.
Enderby.	Pool.
Ewing.	Pope of Jones.
Eickenroht.	Pope of Nueces.
Finn.	Purl.
Finlay.	Quinn.
Forbes.	Ray.
Fuchs.	Reader.
Gerron.	Reid.
Gilbert.	Renfro.
Giles.	Richardson.
Graves	Rogers.
of Williamson.	Rountree.
Graves of Erath.	Sanders.
Hardy.	Savage.
Harding.	Shaver.
Harman.	Shelton.
Harper.	Sherrill.
Harrison.	Shipman.
Heaton.	Simmons.
Hefley.	Sinks.
Hines.	Smith.
Holder.	Snelgrove.
Hopkins.	Speck.
Hornaday.	Stephens.
Hubbard.	Stevenson.
Jenkins.	Storey.
Johnson	Strong.
of Dimmit.	Tarwater.
Johnson of Smith.	Thurmond.
Jones.	Tillotson.
Justiss.	Turner.
Kayton.	Van Zandt.
Keeton.	Veatch.
Keller.	Waddell.
Kemble.	Wallace.
Kennedy.	Walters.
Kincaid.	Warwick.
King.	Webb.
Kinnear.	White.
Land.	Wiggs.
Lee.	Williams
Lemens.	of Sabine.
Long of Houston.	Williams of Travis.

Woodall.  
Woodruff.

Young.


Absent.

Anderson.  
Gates.  
Hogg.

Montgomery.  
Thompson.

Absent—Excused.

Avis.  
Baldwin.  
DeWolfe.  
Johnson of Scurry.  
Kenyon.  
Loy.

Martin.   
Mosely.  
Prendergast.  
Westbrook.  
Williams  
of Hardin.

A quorum was announced present.  
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Loy for yesterday and today, on motion of Mr. Minor.

Mr. Johnson of Scurry for today, on motion of Mr. Van Zandt.

Mr. Anderson for yesterday and today, on motion of Mr. Kayton.

Mr. Westbrook and Mr. Baldwin for yesterday and today, on motion of Mr. Harman.

Mr. Mosely was granted leave of absence for today and tomorrow, on motion of Mr. Metcalfe, on account of illness in his family.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

By Mr. White:

H. B. No. 226. A bill to be entitled "An Act prescribing a mode of selecting deputy sheriffs in certain counties, fixing their compensation, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Purl:

H. B. No. 227. A bill to be entitled "An Act to amend Article 4891 of the Revised Civil Statutes of 1925 of the State of Texas, and to provide the conditions under which the co-insurance clauses may be used in policies of insurance covering losses by fire to property in this State, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. White and others:

H. B. No. 228, A bill to be entitled "An Act amending Article 6869 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to Committee on State Affairs.

#### RELATING TO HOUSE BILL NO. 67.

Mr. Petsch made the following motion:

I move that the Committee on Municipal and Private Corporations be instructed to report House bill No. 67 back to the House, with its recommendations, by 9 a. m. Wednesday.

Mr. Finlay moved the previous question on the motion by Mr. Petsch and the main question was ordered.

(Pending consideration of the motion, Mr. McGill occupied the chair temporarily.)

Question recurring on the motion, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—57.

Mr. Speaker.	Lee.
Baker.	Lemens.
Beck.	Marks.
Bond.	Mauritz.
Bounds.	Maynard.
Bradley.	McCombs.
Carpenter.	McGill.
Chastain.	Mehl.
Coltrin.	Minor.
Cox of Navarro.	Morse.
Cox of Lamar.	Murphy.
Cox of Limestone.	O'Neill.
Dunlap.	Patterson.
Enderby.	Petsch.
Forbes.	Pool.
Fuchs.	Reader.
Graves	Savage.
of Williamson.	Shaver.
Hardy.	Shelton.
Harper.	Simmon
Heaton.	Smith.
Holder.	Snelgrove.
Hornaday.	Speck.
Jenkins.	Tarwater.
Johnson	Tillotson.
of Dimmit.	Wallace.
Jones.	Williams
Keeton.	of Travis.
Kemble.	Woodall.
Kincaid.	Young.
Kinnear.	

Nays—63.

Acker.	Barnett.
Adkins.	Brice.
Albritton.	Brooks.

Davis.	Olsen.
Ewing.	Palmer.
Eickenroht.	Pavlica.
Finn.	Pope of Jones.
Finlay.	Pope of Nueces.
Gerron.	Purl.
Gilbert.	Quinn.
Giles.	Ray.
Graves of Erath.	Reid.
Harman.	Richardson.
Harrison.	Rogers.
Hefley.	Rountree.
Hines.	Sherrill.
Hopkins.	Shipman.
Johnson of Smith.	Sinks.
Justiss.	Stephens.
Kayton.	Stevenson.
Keller.	Storey.
Kennedy.	Strong.
King.	Thurmond.
Land.	Turner.
Long of Houston.	Veatch.
Long of Wichita.	Waddell.
Mankin.	Walters.
McDonald.	Warwick.
McKean.	Webb.
Metcalfe.	White.
Moore.	Williams
Mullally.	of Sabine.
Nicholson.	

Absent.

Ackerman.	Montgomery.
Anderson.	Negley.
Bateman.	Renfro.
Conway.	Sanders.
Duvall.	Thompson.
Gates.	Van Zandt.
Harding.	Wiggs.
Hogg.	Woodruff.
Hubbard.	

Absent—Excused.

Avis.	Martin.
Baldwin.	Mosely.
DeWolfe.	Prendergast.
Johnson of Scurry.	Westbrook.
Kenyon.	Williams
Loy.	of Hardin.

Mr. Keller moved that the House grant the Committee on Municipal and Private Corporations additional time to consider House bill No. 67.

On motion of Mr. Barnett, the motion by Mr. Keller was tabled.

Mr. Keller raised the following point of order:

"I raise the point of order on a motion by Mr. Petsch to the effect that the Speaker instruct the Committee to report the bill at once, saying that inasmuch as the House refused to allow the Committee additional time it was

then the duty of the Speaker to order the Committee to report the bill immediately."

The Speaker overruled the point of order.

Mr. Kemble appealed from the ruling of the Chair, and the appeal was duly seconded.

(Mr. McGill in the chair.)

Mr. Kemble then withdrew his appeal from the ruling of the Chair.

(Speaker in the chair.)

Speaker Barron then stated to the House that he would reverse his ruling on the point of order by Mr. Keller.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Carpenter, House bill No. 225 was ordered not printed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 27, A bill to be entitled "An Act to provide for the eradication in the State of Texas of the fever-carrying tick (*Margaropus annulatus*), etc., and declaring an emergency."

S. B. No. 42, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land forfeited and reappraised under Chapter 94, etc., and declaring an emergency."

S. B. No. 51, A bill to be entitled "An Act to amend Article 2024 of the Revised Civil Statutes of 1925, relating to and providing for service of process by a constable in suits in which the sheriff is a party to, or interested in, said suit, so as to authorize the judge of the court in which any cause is pending to direct the sheriff of some adjoining county to serve any process or writ issued out of such court when it is made to appear that there is likewise no qualified and acting constable in any justice precinct of the county in which such process or writ is to be executed, or each qualified and acting constable in said county is likewise a party to, or interested in, said suit."

S. B. No. 52, A bill to be entitled "An Act creating an Advisory Civil

and Judicial Council for the continuous study and investigation of the report upon the civil judicial system of the State, its administration, procedure and functioning," etc.

S. B. No. 71, A bill to be entitled "An Act to amend Article 5221 of the Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Regular Session of the Forty-first Legislature, relating to pensions, etc., and declaring an emergency."

S. B. No. 83, A bill to be entitled "An Act legalizing the acts of the county school trustees of Jack and Young counties, Texas, creating the Bryson Rural High School District in Jack and Young counties, Texas, and declaring an emergency."

S. B. No. 104, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, etc., and declaring an emergency."

S. B. No. 111, A bill to be entitled "An Act providing that the State of Texas, through the Game, Fish and Oyster Commission, shall have power, right and authority to condemn and appropriate to the use of the State, land and water in Smith county, Texas, for the purpose of erecting, constructing, enlarging and maintaining fish hatcheries, buildings, necessary equipments, roads and passageways to said hatcheries, etc., and declaring an emergency."

S. B. No. 115, A bill to be entitled "An Act to create a more efficient road system for McLennan county, Texas, etc., and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said board; prescribing their qualifications, terms of service, and duties, etc., and declaring an emergency."

H. C. R. No. 6, Relating to the estate of Edward (T.) Wingate.

S. B. No. 55, A bill to be entitled "An Act to authorize the Board of Control, by and with the consent of the Governor, to select and set aside so much of the lands of the Texas penitentiary at Rusk, Texas, as may be requisite and necessary for the use of Rusk State Hospital, and to authorize the Board of Control, by and with the

consent of the Governor, to sell and dispose of any of the remainder of the lands situated in Cherokee county and formerly belonging to the Texas penitentiary system, and to authorize the Board of Control, by and with the consent of the Governor, to lease any and all of said lands owned by the State in Cherokee county for the purpose of prospecting for oil, gas and other minerals; repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

S. B. No. 87, A bill to be entitled "An Act authorizing the appointment of not exceeding two deputy sheriffs to be paid out of the general fund of the county; providing the manner of their appointment and providing for their salary; limiting the application of this act to counties of more than 11,090 and less than 11,130 population according to the latest United States census, and counties of more than 4935 and less than 4380 according to said census; enacting other provisions incidental to the subject of the act, and declaring an emergency."

S. B. No. 98, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to accept and hold in trust for the University a gift from the executor of the will of E. D. Farmer, deceased, for the purpose of establishing an international scholarship fund; appropriating to the University of Texas all inheritance taxes against the estate of E. D. Farmer, deceased; providing that the amount of said taxes may be paid directly to the Board of Regents of the University of Texas, to be held and administered by said Board of Regents as a special fund to be known as the E. D. Farmer International Scholarship Fund, and declaring an emergency."

S. B. No. 14, A bill to be entitled "An Act to amend Article 2892, R. S. 1925, fixing the age and extending the term for compulsory school attendance, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### HOUSE BILL NO. 201 ON SECOND READING.

On motion of Mr. Tillotson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 201, A bill to be entitled "An Act relating to the registration of

vehicles used on the public highways; prescribing the license fees required for their registration; providing for the distribution and apportionment of license fees collected pursuant hereto, etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Keller offered the following amendment to the bill:

Amend House bill No. 201, below the enacting clause, by striking out, on page 6, Section 11, line 14, the figures "\$200,000,000" and inserting in place thereof the figures "\$200,000."

The amendment was adopted.

Mr. Tillotson offered the following (committee) amendment to the bill:

Amend House bill No. 201, Section 11, by substituting the figures "\$250,000" for "\$200,000" where these figures appear in the said section.

Mr. Beck offered the following substitute for the amendment:

Amend House bill No. 201, page 6, line 14, by striking out the figures "\$200,000" and inserting in lieu thereof the figures "\$50,000," and in the same section strike out all of lines 19 and 20 and substitute the following: "Thereafter, and until the amount so deposited for the year shall have reached a total of \$300,000, he shall deposit to the credit of said fund on Monday of each week an amount equal to 50 per cent of collections made hereunder during the previous week."

Mr. Hubbard moved to table the substitute amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—92.

Mr. Speaker.	Gerron.
Ackerman.	Gilbert.
Albritton.	Giles.
Baker.	Graves of Erath.
Barnett.	Hardy.
Bateman.	Harding.
Bradley.	Harman.
Brice.	Harper.
Brooks.	Harrison.
Carpenter.	Heaton.
Chastain.	Hefley.
Coltrin.	Hines.
Conway.	Hopkins.
Cox of Navarro.	Hornaday.
Cox of Lamar.	Hubbard.
Enderby.	Jenkins.
Ewing.	Johnson
Eickenroht.	of Dimmit.
Finlay.	Johnson of Smith.
Fuchs.	Jones.

Justiss.	Renfro.
Keeton.	Richardson.
Kincaid.	Sanders.
Kinnear.	Shaver.
Land.	Shelton.
Lee.	Sherrill.
Lemens.	Shipman.
Long of Houston.	Sinks.
Long of Wichita.	Smith.
Mankin.	Snelgrove.
Mauritz.	Stephens.
McGill.	Strong.
McKean.	Tarwater.
Minor.	Thurmond.
Moore.	Turner.
Mullally.	Van Zandt.
Murphy.	Veatch.
Negley.	Waddell.
Nicholson.	Wallace.
Olsen.	Walters.
O'Neill.	Warwick.
Palmer.	Williams
Pavlica.	of Sabine.
Petsch.	Williams
Pool.	of Travis.
Pope of Jones.	Woodall.
Ray.	Woodruff.
Reid.	Young.

## Nays—23.

Adkins.	King.
Beck.	Marks.
Bond.	McCombs.
Bounds.	Metcalf.
Davis.	Morse.
Duvall.	Patterson.
Finn.	Purl.
Forbes.	Reader.
Holder.	Rountree.
Kayton.	Savage.
Kemble.	Speck.
Kennedy.	

## Absent.

Acker.	Montgomery.
Anderson.	Pope of Nueces.
Cox of Limestone.	Quinn.
Dunlap.	Rogers.
Gates.	Simmons.
Graves	Stevenson.
of Williamson.	Storey.
Hogg.	Thompson.
Johnson of Scurry.	Tillotson.
Keller.	Webb.
Maynard.	White.
McDonald.	Wiggs.
Mehl.	

## Absent—Excused.

Avis.	Mosely.
Baldwin.	Prendergast.
DeWolfe.	Westbrook.
Kenyon.	Williams
Loy.	of Hardin.
Martin.	

Mr. Veatch moved to table the (committee) amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—70.

Mr. Speaker.	Mankin.
Ackerman.	Mauritz.
Baker.	Maynard.
Bateman.	Metcalf.
Bond.	Minor.
Brice.	Mullally.
Brooks.	Murphy.
Carpenter.	Olsen.
Chastain.	O'Neill.
Cox of Navarro.	Pavlica.
Enderby.	Petsch.
Eickenroht.	Pool.
Finlay.	Renfro.
Fuchs.	Richardson.
Gerron.	Rogers.
Gilbert.	Rountree.
Graves of Erath.	Sanders.
Hardy.	Shaver.
Harper.	Shelton.
Heaton.	Sherrill.
Hines.	Shipman.
Hopkins.	Sinks.
Hornaday.	Snelgrove.
Hubbard.	Stephens.
Jenkins.	Storey.
Johnson of Smith.	Tarwater.
Jones.	Thurmond.
Keeton.	Turner.
Kincaid.	Veatch.
King.	Waddell.
Kinnear.	Walters.
Land.	Warwick.
Lee.	Woodall.
Lemens.	Woodruff.
Long of Houston.	Young.
Long of Wichita.	

## Nays—44.

Adkins.	Justiss.
Albritton.	Kayton.
Barnett.	Keller.
Beck.	Kemble.
Bounds.	Kennedy.
Bradley.	McCombs.
Coltrin.	McGill.
Conway.	McKean.
Cox of Lamar.	Mehl.
Duvall.	Moore.
Ewing.	Morse.
Finn.	Negley.
Forbes.	Patterson.
Giles.	Pope of Jones.
Harding.	Purl.
Harrison.	Quinn.
Hefley.	Ray.
Holder.	Reader.
Johnson	Reid.
of Dimmit.	Savage.

Smith. Wallace.  
Speck. Williams  
Strong. of Sabine.

Present—Not Voting.

Van Zandt.

Absent.

Acker. Montgomery.  
Anderson. Nicholson.  
Cox of Limestone. Palmer.  
Davis. Pope of Nueces.  
Dunlap. Simmons.  
Gates. Stevenson.  
Graves. Thompson.  
of Williamson. Tillotson.  
Harman. Webb.  
Hogg. White.  
Johnson of Scurry. Wiggs.  
Marks. Williams  
McDonald. of Travis.

Absent—Excused.

Avis. Mosely.  
Baldwin. Prendergast.  
DeWolfe. Westbrook.  
Kenyon. Williams  
Loy. of Hardin.  
Martin.

Mr. Van Zandt offered the following amendment to the bill:

Amend House bill No. 201, page 8, by adding to Section 14 thereof the following: "provided, that after the deduction of the actual cost of administering this act such tax collector shall receive the fees provided herein as fees of office."

The amendment was adopted.

Mr. Veatch offered the following amendment to the bill:

Amend House bill No. 201, page 5, lines 2 to 5, inclusive, by substituting for the said lines:

1 to 2,000.....	\$ .36
2,001 to 3,500.....	.48
3,501 to 4,500.....	.56
4,501 up .....	.60

Mr. Bounds offered the following substitute for the amendment:

Amend House bill No. 201, page 4, line 38, by substituting as follows:

"Sec. 8. The annual license fee for the registration of a motorcycle shall be five dollars. The annual license fee for the registration of a passenger car shall be based upon the weight of the vehicle, as follows:

Gross weights, in pounds.	Fee per 100 pounds, or fraction thereof.
1 to 2,000.....	\$ .28
2,001 to 3,000.....	.36

3,001 to 4,000.....	.48
4,001 up .....	.50

"The weight of any passenger car, for purposes of transportation, shall be the weight generally accepted as its correct shipping weight plus 100 pounds."

Mr. Hubbard moved to table the substitute amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—97.

Mr. Speaker.	Metcalfe.
Ackerman.	Moore.
Adkins.	Mullally.
Albritton.	Murphy.
Baker.	Negley.
Bond.	Nicholson.
Bradley.	Olsen.
Brice.	O'Neill.
Carpenter.	Palmer.
Chastain.	Petsch.
Coltrin.	Pool.
Conway.	Pope of Jones.
Cox of Navarro.	Pope of Nueces.
Cox of Lamar.	Ray.
Cox of Limestone.	Reader.
Dunlap.	Reid.
Enderby.	Renfro.
Ewing.	Richardson.
Eickenroht.	Rogers.
Fuchs.	Rountree.
Gilbert.	Sanders.
Giles.	Shaver.
Graves of Erath.	Shelton.
Harding.	Sherrill.
Harman.	Shipman.
Harper.	Simmons.
Heaton.	Sinks.
Hefley.	Smith.
Hopkins.	Snelgrove.
Hornaday.	Speck.
Hubbard.	Stephens.
Johnson	Storey.
of Dimmit.	Strong.
Johnson of Smith.	Tarwater.
Jones.	Tillotson.
Justiss.	Turner.
Kayton.	Van Zandt.
Kincaid.	Veatch.
Kinnear.	Waddell.
Land.	Wallace.
Lee.	Walters.
Long of Houston.	Warwick.
Long of Wichita.	White.
Mankin.	Williams
Marks.	of Sabine.
Mauritz.	Williams
Maynard.	of Travis.
McDonald.	Woodall.
McKean.	Woodruff.
Mehl.	

Nays—30.

Barnett.

Bateman.





Mr. Barnett moved the previous question on the amendment by Mr. Veatch, and the main question was ordered.

Question recurring on the amendment by Mr. Veatch, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—76.

Ackerman.	Lemens.
Baker.	Mankin.
Barnett.	Mauritz.
Bateman.	McCombs.
Beck.	McDonald.
Bond.	McGill.
Bounds.	Mehl.
Bradley.	Morse.
Brice.	Mullally.
Brooks.	Negley.
Carpenter.	O'Neill.
Chastain.	Patterson.
Coltrin.	Pavlica.
Conway.	Petsch.
Cox of Lamar.	Pope of Nueces.
Davis.	Purl.
Dunlap.	Quinn.
Enderby.	Reader.
Ewing.	Richardson.
Forbes.	Rogers.
Gerron.	Rountree.
Gilbert.	Sanders.
Graves of Erath.	Savage.
Hardy.	Sherrill.
Harding.	Shipman.
Harrison.	Simmons.
Hines.	Sinks.
Holder.	Snelgrove.
Hornaday.	Speck.
Hubbard.	Stephens.
Johnson	Storey.
of Dimmit.	Thurmond.
Jones.	Veatch.
Justiss.	Wallace.
Kayton.	Walters.
Keller.	Webb.
Kemble.	Wiggs.
Kennedy.	Young.
King.	

## Nays—47.

Mr. Speaker.	Johnson of Smith.
Adkins.	Kincaid.
Albritton.	Kinnear.
Cox of Limestone.	Land.
Eickenroht.	Lee.
Finlay.	Long of Houston.
Fuchs.	Long of Wichita.
Giles.	Marks.
Harman.	Maynard.
Harper.	McKean.
Heaton.	Moore.
Hefley.	Murphy.
Hopkins.	Nicholson.
Jenkins.	Olsen.

Palmer.	Turner.
Pool.	Van Zandt.
Pope of Jones.	Waddell.
Ray.	Warwick.
Reid.	White.
Shaver.	Williams
Shelton.	of Sabine.
Smith.	Williams
Strong.	of Travis.
Tarwater.	Woodall.
Tillotson.	Woodruff.

## Absent.

Acker.	Johnson of Scurry.
Anderson.	Keeton.
Cox of Navarro.	Metcalfe.
Duvall.	Minor.
Finn.	Montgomery.
Gates.	Renfro.
Graves	Stevenson.
of Williamson.	Thompson.
Hogg.	

## Absent—Excused.

Avis.	Martin.
Baldwin.	Mosely.
DeWolfe.	Prendergast.
Kenyon.	Westbrook.
Loy.	Williams of Hardin.

Mr. Kayton moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Tillotson offered the following amendments to the bill:

## (1)

Amend House bill No. 201, page 8, of line 12, by striking out the word "of" after the word "officer" and insert the word "or."

## (2)

Amend House bill No. 201, page 8, line 37, by adding at the end of line 37 the following: "attached thereto before the beginning of the calendar year for."

## (3)

Amend House bill No. 201 page 5, line 1, by striking out the word "given," which is the first word in the line.

The amendments were severally adopted.

Mr. Quinn offered the following amendment to the bill:

Amend House bill No. 201, page 6, Section 11, by striking out the words "passenger cars," in line 13, and insert the words "all motor vehicles."

Mr. Hubbard moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—75.

Mr. Speaker.	Maynard.
Baker.	Mehl.
Beck.	Minor.
Bounds.	Morse.
Bradley.	Mullally.
Brooks.	Murphy.
Carpenter.	Negley.
Chastain.	Nicholson.
Conway.	O'Neill.
Cox of Navarro.	Petsch.
Cox of Lamar.	Pool.
Cox of Limestone.	Pope of Jones.
Enderby.	Ray.
Ewing.	Reader.
Finlay.	Richardson.
Fuchs.	Rogers.
Gerron.	Sanders.
Gilbert.	Savage.
Hardy.	Shaver.
Harman.	Simmons.
Harper.	Sinks.
Hines.	Smith.
Hopkins.	Speck.
Hubbard.	Stevenson.
Johnson	Storey.
of Dimmit.	Strong.
Jones.	Tarwater.
Justiss.	Tillotson.
Kayton.	Van Zandt.
Keeton.	Veatch.
Kemble.	Wallace.
Kincaid.	Walters.
Kinnear.	Warwick.
Lee.	Webb.
Long of Houston.	Williams
Long of Wichita.	of Sabine.
Mankin.	Woodruff.
Mauritz.	Young.

Nays—51.

Ackerman.	Johnson of Smith.
Adkins.	Keller.
Albritton.	Kennedy.
Barnett.	King.
Bateman.	Land.
Bond.	Lemens.
Brice.	Marks.
Coltrin.	McCombs.
Davis.	McGill.
Duvall.	McKean.
Eickenroht.	Metcalfe.
Finn.	Moore.
Forbes.	Olsen.
Giles.	Patterson.
Graves of Erath.	Pavlica.
Harding.	Purl.
Harrison.	Quinn.
Heaton.	Reid.
Hefley.	Renfro.
Holder.	Rountree.
Jenkins.	Shelton.

Sherrill.  
Shipman.  
Snelgrove.  
Stephens.  
Turner.  
Waddell.

White.  
Wiggs.  
Williams  
of Travis.  
Woodall.

Present—Not Voting.

Dunlap.

Absent.

Acker.	Johnson of Scurry.
Anderson.	McDonald.
Gates.	Montgomery.
Graves	Palmer.
of Williamson.	Pope of Nueces.
Hogg.	Thompson.
Hornaday.	Thurmond.

Absent—Excused.

Avis.	Mosely.
Baldwin.	Prendergast.
DeWolfe.	Westbrook.
Kenyon.	Williams
Loy.	of Hardin.
Martin.	

Mr. Kayton moved to reconsider the vote by which the amendment was tabled, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Duvall offered the following amendment to the bill:

Amend House bill No. 201 by adding subsection 1n after subsection 1m, page 2, to read as follows: " 'Motor bus' shall include every vehicle except those operated by muscular power or exclusively on stationary rails or tracks which is used for the transportation of persons for compensation (or hire), whether operated over fixed routes or otherwise."

The amendment was adopted.

Mr. Duvall offered the following amendment to the bill:

Amend House bill No. 201, page 5, Section 8, by adding after said section a subsection, 8a, to read as follows:

"The annual license fee for the registration of a motor bus shall be based upon the weight of the vehicle, as follows:

Gross weight in pounds.	Fee per 100 pounds, or fraction thereof.	
	Equipped with pneumatic tires.	Equipped with solid tires.
1 to 4,000.....	\$ .87	\$1.10
4,001 to 12,000.....	1.00	1.25

12,001 to 16,000.....	1.12	1.40
16,001 to 24,000.....	1.25	1.50
24,001 and up.....	1.50	5.00

Question recurring on the amendment, it was lost by the following vote:

## Yeas—48.

Albritton.	Kennedy.
Beck.	Kincaid.
Bond.	Kinnear.
Bounds.	Lemens.
Bradley.	Long of Wichita.
Brooks.	Maynard.
Coltrin.	McCombs.
Conway.	Mehl.
Cox of Lamar.	Minor.
Davis.	Morse.
Duvall.	Mullally.
Fuchs.	Nicholson.
Gerron.	Patterson.
Gilbert.	Purl.
Harding.	Quinn.
Harrison.	Reader.
Heaton.	Shaver.
Hefley.	Shipman.
Hines.	Speck.
Holder.	Storey.
Hubbard.	Tillotson.
Justiss.	Veatch.
Kayton.	Webb.
Kemble.	Woodall.

## Nays—67.

Mr. Speaker.	Mauritz.
Ackerman.	McDonald.
Adkins.	McGill.
Baker.	Metcalfe.
Barnett.	Moore.
Bateman.	Murphy.
Brice.	Negley.
Carpenter.	Olsen.
Chastain.	O'Neill.
Cox of Limestone.	Palmer.
Enderby.	Pavlica.
Ewing.	Petsch.
Finn.	Pool.
Finlay.	Pope of Jones.
Forbes.	Pope of Nueces.
Giles.	Reid.
Graves of Erath.	Renfro.
Hardy.	Richardson.
Harman.	Rogers.
Harper.	Rountree.
Hopkins.	Sanders.
Hornaday.	Savage.
Jenkins.	Shelton.
Johnson	Sherrill.
of Dimmit.	Simmons.
Johnson of Smith.	Sinks.
Jones.	Smith.
Keeton.	Snelgrove.
Land.	Stevenson.
Long of Houston.	Strong.
Mankin.	Tarwater.

Van Zandt.	Wiggs.
Waddell.	Williams
Wallace.	of Sabine.
Walters.	Woodruff.
Warwick.	Young.
White.	

## Present—Not Voting.

Stephens.

## Absent.

Acker.	King.
Anderson.	Lee. †
Baldwin.	Marks.
Cox of Navarro.	McKean.
Dunlap.	Montgomery.
Eickenroht.	Ray.
Gates.	Thompson.
Graves	Thurmond.
of Williamson.	Turner.
Hogg.	Williams
Johnson of Scurry.	of Travis.
Keller.	

## Absent—Excused.

Avis.	Mosely.
DeWolfe.	Prendergast.
Kenyon.	Westbrook.
Loy.	Williams
Martin.	of Hardin.

Mr. Cox of Limestone moved to reconsider the vote by which the amendment was lost, and to table the motion to reconsider.

The motion to table prevailed.

## MESSAGE FROM THE GOVERNOR.

Mr. Pat Daugherty, secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, May 14, 1929.

To the Honorable Forty-first Legislature:

A bill introduced under the number of House bill No. 170, being entitled "An Act providing for the appointment of a State Auditor, prescribing the qualifications and duties of said officer, providing for his necessary assistants and compensation," is submitted for your consideration. This bill seems to conform to one of the recommendations made by the Fiscal Survey Committee appointed pursuant to a resolution of the Fortieth Legislature.

Respectfully submitted,  
DAN MOODY,  
Governor.

## SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate bill No. 13, to the Committee on Education.

Senate bill No. 14, to the Committee on Education.

Senate bill No. 27, to the Committee on Live Stock and Stock Raising.

Senate bill No. 42, to the Committee on Public Lands and Buildings.

Senate bill No. 51, to the Committee on Judiciary.

Senate bill No. 52, to the Committee on Judiciary.

Senate bill No. 55, to the Committee on Public Lands and Buildings.

Senate bill No. 71, to the Committee on State Affairs.

Senate bill No. 83, to the Committee on School Districts.

Senate bill No. 87, to the Committee on State Affairs.

Senate bill No. 98, to the Committee on State Affairs.

Senate bill No. 99, to the Committee on Judiciary.

Senate bill No. 100, to the Committee on Judiciary.

Senate bill No. 104, to the Committee on State Affairs.

Senate bill No. 111, to the Committee on Game and Fisheries.

Senate bill No. 113, to the Committee on Judiciary.

Senate bill No. 114, to the Committee on Education.

Senate bill No. 115, to the Committee on Highways and Motor Traffic.

Senate bill No. 135, to the Committee on Judicial Districts.

Senate bill No. 70, to the Committee on School Districts.

## BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. B. No. 34, "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico and Texas concerning the division of the waters of the Rio Grande above Fort Quitman, etc., and declaring an emergency."

S. B. No. 41, "An Act placing under the provisions of the general law all school districts, common or independent,

with a scholastic population of fewer than 5000, in the levy and collection of local school taxes and in the issuance of bonds, etc., and declaring an emergency."

S. B. No. 39, "An Act providing for the regulation and protection of, catching and taking fish in Young county, etc., and declaring an emergency."

H. C. R. No. 6, Relative to the heirs of Edward T. Wingate.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed:

S. B. No. 99, A bill to be entitled "An Act to amend Chapter 176 of the General Laws of the Thirty-eighth Legislature, so as to increase the salary of the Judge of the County Court of Dallas County at Law No. 1 and the Judge of the County Court of Dallas at Law No. 2, etc., and declaring an emergency."

S. B. No. 113, A bill to be entitled "An Act authorizing persons who, while acting as a duly elected and qualified tax collector of any county in Texas, erroneously paid to the county any excess fees of office, to sue the county for the fees so erroneously paid."

S. B. No. 70, A bill to be entitled "An Act validating matters and things heretofore done and performed in Wells Independent School District No. 8, etc., and declaring an emergency."

S. B. No. 100, A bill to be entitled "An Act to amend Section 10 of Chapter 25 of the General and Special Laws of the Regular Session of the Fortieth Legislature so as to increase the salary of the Judge of the County Criminal Court of Dallas county, Texas, etc., and declaring an emergency."

S. B. No. 114, A bill to be entitled "An Act amending Chapter 91 of the General Laws of the First Called Session of the Fortieth Legislature so as to provide that the provisions of said chapter shall apply to counties in Texas having a population of not more than 56,710, and not less than 56,000, according to the Federal census of 1920, and declaring an emergency."

S. B. No. 135, A bill to be entitled "An Act amending Section 1 of Chapter 310 of the General and Special

Laws of the Regular Session of the Forty-first Legislature, so as to fix the salary of court reporters in any county having a population of less than 100,000 and having a city with a population of more than 44,000 according to the latest United States census, and declaring an emergency."

Respectfully,  
MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

#### COMMUNICATION FROM ATTORNEY GENERAL.

On motion of Mr. McCombs, the following communication was ordered printed in the Journal:

Offices of the Attorney General,  
Austin, Texas, May 13, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives, Capitol.

Dear Mr. Barron: In your letter of May 6 you state that several members of the House of Representatives who were present at the beginning of the Regular Session and took the oath of office have written to know if they might have their mileage and per diem vouchers; that one member has written that he is sick and in the hospital and will not be present at any time during the Called Session; that two other members have written for their mileage and per diem vouchers, stating that their delay in coming for the Special Session was due to personal business. On this statement of facts you ask to be advised as to whether or not members of the House of Representatives are entitled to mileage at the Called Session when they do not actually make the trip to Austin, and whether they are entitled to their per diem each week during their absence.

The compensation of members of the Legislature is fixed under the provisions of Article 3, Section 24, of the Constitution, and Article 6818 of the Revised Statutes of 1925.

The Constitution provides that members of the Legislature shall receive from the public treasury "such compensation for their services as may from time to time be provided by law not exceeding five dollars per day for the first sixty days of the first session, and after that not exceeding two dollars per day for the remainder of the session"; and, further, that in addition to the per diem, "the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mile-

age shall not exceed five dollars for each twenty-five miles," etc. The statute provides that "members of the Legislature shall receive as compensation for *their services and attendance* upon any session of the Legislature five dollars per day for the first sixty days of each session, and after that, the sum of two dollars per day for the remainder of the session." It also contains the constitutional provision as to mileage. The only difference between the provision of the Constitution and the statute passed under it is that the Constitution provides compensation "for their services" and the statute provides compensation "for their services and attendance."

The Rules of the House of Representatives, under which you now work, provide that no member shall absent himself "from the sittings of the House without leave unless in case of sickness," and further, that it shall require two-thirds vote of the members present "to excuse absentees, and no member shall be excused upon his own motion." They further provide that the names of absentees shall appear upon the Journal. I think it is clear from the provisions of the Constitution and the statutes passed pursuant thereto, especially in view of Rule 26 of the House of Representatives, that the purpose and intent of all was to require the personal attendance of the members of the House at the sittings of the House, and that no absence without leave is excusable except in case of sickness. This being the purpose and intent of the Constitution, the statute and the Rules of the House, the compensation provided is a per diem compensation for service and attendance.

The question has been before the courts on several occasions. In the case of *Ex Parte Pickett*, 24 Ala. Rep., 91, there was involved a provision of the Constitution of Alabama and the statutes of Alabama, the constitutional provision being that "each member of the General Assembly shall receive from the public treasury such compensation for his services as may be fixed by law." Under this provision of the Constitution, the statute provided that each member should be paid a specified sum for "each day's attendance," and there was a further provision that if any member was detained by sickness "after leaving home in coming to or is unable to attend the House, after he arrives at the seat of government, he is entitled to the same daily pay as an attending member." The

General Assembly, by a joint resolution, adjourned on December 20, 1853, to meet again on the 9th day of January, 1854, and the question involved in the case was as to whether the members who went home and returned were entitled to mileage and per diem. The decision turned on the meaning of the words "each day's attendance." The court, in disposing of it, used the following language:

"It could never have been intended that the members of the Legislature should receive pay for those days only on which they were actually engaged in the business of legislation; and neither the language employed, nor the purposes of the statute, would force such a construction upon us.

"A member may be engaged in attendance on the General Assembly, during periods of temporary cessations of legislative functions by the respective bodies; and the per diem compensation was intended as a remuneration for the services of the members, as well as to provide for their expenses during the period they were required to be absent from their homes in attending to the duties of legislation, as those duties are usually and ordinarily performed. And the object in limiting this compensation to each day's attendance was to secure on the part of the member, who was not within the exemptions provided for by Section 44, the performance of legislative duty during those days which the house to which he belonged deemed necessary to devote to the business of legislation. It was never intended that the members of the Legislature should not receive pay for Sundays, or pending temporary adjournments upon holidays, or on occasions of the death of a member. The practical construction of the law, from the organization of the government to the present time, has been otherwise, and we have no disposition to depart from it. These are not regarded as permanent cessations in the business of legislation, but in the nature of adjournments from day to day, when, in legal contemplation, the business is progressing. Indeed, it may often happen that a temporary adjournment for a few days may tend to facilitate the business, since the committees may thus be afforded time to consider of and mature the matter of bills and resolutions referred to them. But when, as in the case before us, there is an adjournment for near three weeks—for such a period of time as to afford a reasonable reference that it was designed, not to facilitate the business of the ses-

sion, but to operate a cessation of it for the given period, that the members may return to their respective homes—it would appear absurd to say that a member was in attendance upon the General Assembly when it was not convened, and could not be until the period which it had fixed for reassembling had arrived."

In the case of *State ex rel. Boyd v. Hastings*, by the Supreme Court of Wisconsin, 16 Wis., 358, the same question was involved arising under a constitutional provision that each member of the Legislature "shall receive for his services two dollars and fifty cents for each day's attendance during the session." The Wisconsin court adopted the opinion of the Supreme Court of Alabama, holding that where, under a resolution, the Legislature took a recess for sixteen days, the members were not entitled to their per diem during the recess.

These opinions are important in the general principles announced. While the constitutional provisions and the statutes involved in them provided compensation "for each day's attendance." I think that our constitutional provision, taken in connection with the statute lawfully passed under it, especially as construed in connection with your Rule 26, is not different in its meaning from the provisions of the Constitutions and statutes of Alabama and Wisconsin, and that, therefore, the same principles announced by the courts of those States should be applied to the inquiry you submit. Under these decisions, as applied to our Constitution and law, and as stated by the court, it was not intended that members of the Legislature should receive pay only for those days on which they were actually engaged in the business of legislation, for the reason that there are periods of temporary cessation of legislative functions, even during the session of the Legislature, during which members are engaged in the business of legislation. As further announced in these decisions, the object of our Constitution and statute, and especially of the rule of the House of Representatives, in limiting this compensation to the days' attendance of the members, was "to secure on the part of the member the performance of legislative duty during those days which the house to which he belonged deemed necessary to devote to the business of legislation."

The practical construction of our law from the beginning has been for members of the Legislature to receive pay for Sundays and for holidays, and for

temporary adjournments from day to day which were not regarded as permanent cessation in the business of legislation, for the reason that it often happens that a temporary adjournment of active legislative business for a day or several days may facilitate the business in more than one way, such as committee meetings, etc. But the constitutional provisions, the statutory provisions, and the Rules of the House could have no other meaning than to require members of the House to be present in the performance of legislative duty during the days which the House deemed necessary to devote to legislative business. This is evident from the rule which authorizes a member to absent himself from sittings of the House without leave only in case of illness, and from the rule that it requires a two-thirds vote of the members present to excuse an absentee, and from the rule that no member shall be excused upon his own motion, and from the rule that the names of the absentees shall appear upon the Journal.

The Legislature of Alabama deemed it necessary under the constitutional provisions of that State to make express provision for cases of illness of a member occurring after leaving home in coming to the session, or, after his arrival at the place of the seat of government. Neither our Constitution nor our statute provides for this exemption, but the uniform construction of the Rule of the House is that if a member is absent on account of illness, it is not necessary that he even have the permission of the House. So that the practical operation of this rule would be that if a member is at the seat of government and becomes ill during the session of the Legislature so as to be unable to attend its sittings, his lack of attendance should not be charged against him. Applying these principles, you are advised:

First. That although members of the House were present at the beginning of the Regular Session and took the oath of office, they are not entitled to per diem at the Special Session for days which they have not attended, nor are they entitled to mileage if they have not attended the Special Session of the Legislature.

Second. A member of the House who has been ill during the entire Special Session and who has not been present at any time during the Special Session is not entitled to either mileage or per diem.

Third. Those members who have re-

mained away, and have not attended the Special Session on account of personal business are not entitled to their mileage and per diem.

Fourth. A member who is excused on account of personal business by a vote of two-thirds of the members present under Rule 26 is not entitled to his per diem for the days for which he is excused.

Fifth. Only in case of illness occurring after the member has arrived at the seat of government should per diem be paid to an absent member. If he is absent for any other cause, he must have leave of the House, and when this leave is granted for personal reasons, or for personal business, he is not entitled to his per diem during the time he is excused.

Yours very truly,  
CLAUDE POLLARD.

#### RECESS.

Mr. Woodruff moved that the House recess to 8 o'clock p. m. today.

Mr. Morse moved that the House adjourn until 9:30 o'clock a. m. tomorrow.

Mr. Reid moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. Van Zandt moved that the House recess until 9:30 o'clock a. m. tomorrow.

Mr. Quinn moved that the House adjourn until 8 o'clock p. m. today.

The motion of Mr. Van Zandt prevailed, and the House, according, at 6:20 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

#### APPENDIX.

##### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Conservation and Reclamation: House bills Nos. 225, 223, 221, 222 and 204.

Highways and Motor Traffic: House bills Nos. 212, 178 and 215.

Judiciary: House bills Nos. 118 and 208, Senate bills Nos. 9 and 40.

Agriculture: House bill No. 216, Senate bill No. 66.

Insurance: Senate bill No. 37, House bill No. 79.

State Affairs: House bill No. 174.

Public Health: House bill No. 112.

Municipal and Private Corporations: House bill No. 210.

Labor: House bill No. 207.

The Committee on Municipal and Pri-

vate Corporations made the following report on House bill No. 67:

Committee Room,  
Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Municipal and Private Corporations, to whom was referred House bill No. 67, have had the same under consideration and beg to report that the following action was taken with reference to same, after six amendments had been adopted:

"Williams of Travis then moved that House bill No. 67 be passed out with favorable recommendation that it do pass. A general discussion of the status of the bill then followed. Pope of Nueces offered a substitute motion that the bill be laid on the table and that mimeographed copies be printed and put on the members' desks. Williams moved to table the substitute motion, but his motion was lost with 6 yeas and 7 nays, the vote taken by uplift of the hand. Pope's substitute motion then carried with 8 yeas and 7 nays, Chairman Nicholson breaking the tie. Pope then moved that the committee reconsider and table, which motion carried."

NICHOLSON, Chairman.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 155, A bill to be entitled "An Act to amend Sections 1, 4, 8, 14 and 15 of House bill No. 50 of the Acts of the Regular Session of the Fortieth Legislature, 1927, and adding a new section, Section 11a, thereto, so as to more accurately define the term 'motor bus company' and better define the jurisdiction of the Railroad Commission of Texas in the regulation of motor bus transportation; to provide for the regulation of motor bus terminals; to provide for the licensing of bus drivers and prescribe fees therefor; regulating the rates and the sale of tickets over bus lines; granting the power to bring suits to procure injunctions for the enforcement of the provisions of said House bill No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature; providing for penalties and punishment for the vio-

lation of the provisions of this act and for the violation of the rules and regulations of the Railroad Commission; providing for additional funds in the way of fees and licenses for the enforcement of said act; requiring the sale of stock in a motor bus company to be approved, etc., and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,  
Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 209, A bill to be entitled "An Act renewing and extending oil and gas permit No. 8845, issued by the Commissioner of the General Land Office on the 6th of October, 1924, and oil and gas permit No. 8861, issued by the Commissioner of the General Land Office on the 6th day of October, 1924, covering University lands in Pecos county, Texas, for an additional period of three years from and after the present respective dates of expiration of said permits, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,  
Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 154, A bill to be entitled "An Act to amend Article 6692 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,  
Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 120, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121, of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, with reference to the mode of



preventing horses and certain other animals from running at large in the counties named so as to include in said article the counties of Archer, Brooks, Goliad, Gray, Hutchinson, Jeff Davis, Jim Hogg, Leon, Live Oak, Montgomery, Potter, Panola, San Jacinto, Shackelford, Terrell, Throckmorton, Uvalde, Walker, Webb, Zapata and Zavala, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 105, A bill to be entitled "An Act conveying to the United States of America an easement for the construction of the intracoastal waterway over certain State-owned lands in Chambers and Galveston counties; provided further, that nothing in this act shall be construed to affect or impair any vested rights, or the right to use and maintain any bridge or bridges now in existence, and the right of the owner of any such bridge to use and maintain the same; providing for the reversion of said lands to the State of Texas under certain contingencies, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 159, A bill to be entitled "An Act to amend Chapter 25 of the General Laws passed by the Thirty-ninth Legislature at its Regular Session in 1925, by adding a new section to said chapter, to be known as Section 84a, authorizing such districts to declare an emergency in certain cases and under certain limitations, and to issue interim bonds in evidence of such emergency loans, and pledge taxes and bonds of the district to secure payment of such emergency loans evidenced by such interim bonds; and to further amend said Chapter 25 by adding to said chapter two other additional sections, to be known as Sections 75a and 75b; Section 75a to provide for the

adding to the area of water control and improvement districts which are known as 'municipal districts,' so that the boundaries of such districts shall include the total area of an included city or town embraced in and served by such district; and providing for a hearing on benefits; and providing for exclusion of lands in an appropriate case; and Section 75b to provide that territory not embraced in a water control and improvement district may be annexed to such a district in the same manner as is provided for the creation of such district; providing that if any part of this act be held unconstitutional, such decision shall not affect the validity of the remaining portions of the act; providing that the provisions of this act shall not repeal any former statute on the subject of water control and improvement districts, but shall be cumulative thereof; enacting provisions incident and necessary to the subject and purpose of the act, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 175, A bill to be entitled "An Act repealing Article 3884, Revised Civil Statutes of Texas of 1925, as amended in 1927, relating to the compensation of deputies and assistants of certain district and county officers, and amending Article 3902, of the Revised Civil Statutes of Texas of 1925, relating to compensation of deputies and assistants of certain district and county officers, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 180, A bill to be entitled "An Act to provide for the destruction of certain predatory animals and rodent pests; providing for co-operation of this State with the United States Department of Agriculture in destroying certain predatory animals and rodent pests in the interest of live stock, crops and

ranges; authorizing an appropriation to be extended under the contingencies and in the manner provided in the act, etc., and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,  
Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 207, A bill to be entitled "An Act defining an emigrant agent, and providing a license fee therefor, and bond necessary to be given, and providing penalties for a violation of this act, or making false statements in connection therewith, and creating an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

## SIXTEENTH DAY.

(Continued.)

(Wednesday, May 15, 1929.)

The House met at 9:30 o'clock a. m. and was called to order by Speaker Barron.

### BILLS ORDERED NOT PRINTED.

On motion of Mr. Cox of Lamar, Senate bill No. 114 was ordered not printed.

On motion of Mr. Reid, House bill No. 220 was ordered not printed.

On motion of Mr. Holder, Senate bill No. 13 was ordered not printed.

On motion of Mr. Johnson of Dimmit, Senate bill No. 27 was ordered not printed.

On motion of Mr. Reader, House bill No. 192 was ordered not printed.

On motion of Mr. Rountree, Senate bill No. 42 was ordered not printed.

On motion of Mr. Marks, House bill No. 83 was ordered not printed.

On motion of Mr. Montgomery, Senate bill No. 51 was ordered not printed.

### OPINION OF ATTORNEY GENERAL IN REGARD TO READING OF BILLS.

The following communication was ordered printed in the Journal:

Statutes—Legislature—Reading  
of Bills.

1. The provisions of Article 3, Section

32, of the Constitution requiring bills to be read on three several days is complied with by House rules requiring the bills to be read by caption only.

Offices of the Attorney General.

Austin, Texas, May 14, 1929.

Hon. W. S. Barron, Speaker, House of Representatives, Capitol.

Dear Sir: This department acknowledges receipt of your letter of the 10th instant in which you ask to be advised if the provisions of Article 3, Section 32, of the Constitution requiring bills to be read on three several days is complied with by the reading of the caption instead of the entire contents of the bill. You also state that it has been the custom of the House of Representatives for many years to read only the captions of bills.

Section 4 of Rule 19 of the House of Representatives reads as follows:

"Bills introduced from the floor shall be read first time by caption and referred to the proper committee."

Section 14 of the same rule reads as follows:

"When a bill on second reading is before the House, it shall be read in full if demanded by any member, and this right cannot be denied him. When a bill is before the House on its third reading, any member may call for a full reading, but this reading may be dispensed with by a majority vote of the House."

It is a matter of common knowledge, as stated in your letter, that for many years the Legislature has construed the reading of the caption of a bill to be a sufficient compliance with the constitutional provision requiring a bill to be read. This custom has been of such long standing that it has become a part of the fixed rules of the Legislature, as shown from the rules above quoted.

It is our opinion that the fact that the Legislature has also adopted rules requiring the printing of bills and an opportunity given members to read the same before they are voted upon, coupled with the long-standing custom of reading only the caption, constitutes a sufficient compliance with the constitutional provisions by reading only the caption.

Authority for this view is found in the cases of *Saunders vs. Board of Liquidation*, 34 So. 457 (La.), and *McClellan vs. Stein*, 201 N. W. 209 (Mich.).

In the first case cited, the Supreme Court of Louisiana discussed the question in this language: